Appl. No. 10/533,711   Page 8 of 11
Amendment and/or Response
Reply to Office action of 12 May 2009

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicant cancels claims 5 and 15 without disclaimer of the underlying subject matter, or prejudice against subsequent prosecution. Applicant also amends claims 1, 15 and 19, and adds new claims 21 and 22. Accordingly, claims 1-4, 6-14, and 16-22 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 102

The Office Action rejects claims 1-4, 6-14, and 16-20 under 35 U.S.C. § 102 over Strolle et al. U.S. Patent Application Publication 2004/0057535 ("Strolle").

Applicant respectfully submits that all of the pending claims 1-4, 6-14, and 16-20 are patentable over Strolle for at least the following reasons.

At the outset, Applicant wishes to note that claims 1 and 11 have been amended to generally include the features of original claims 5 and 15 which previously depended from claims 1 and 11, respectively. Claim 19 has been amended to recite similar features to these.

Claim 1

Among other things, the system of claim 1 includes a processing unit that removes a trailing portion from each encoded data packet, wherein removing a trailing portion from each encoded packet includes removing parity bytes when an encoded packet includes normal data supplied from the normal data input, and includes removing digital information bytes when an encoded packet includes robust data from the robust data input.

In the rejection of claim 5, the Office Action states that Strolle discloses that a trailing portion from each encoded packet is removed by a Reed Solomon decoder – presumably in virtual decoder 26. The Office Action further state that Strolle teaches that this includes removing encoded data for the data packets containing robust data. The Office Action states that Strolle discloses this feature in FIG. 2 at element 26, in paragraph [0088].

Appl. No. 10/533,711   Page 9 of 11
Amendment and/or Response
Reply to Office action of 12 May 2009

Applicant respectfully disagrees. Applicant respectfully submits that neither FIG.2 nor paragraph [0088] of <u>Strolle</u> discloses or even suggests that the Reed Solomon encoder (cited by the Office Action as supposedly removing the trailing portion) removes encoded digital information for the data packets containing robust data. Indeed, to the contrary, paragraph [0088] specifically teaches that the "***<u>Reed Solomon decoder simply removes the parity bytes for all input packets</u>***."

Therefore, Applicant respectfully submits that claim 1 is patentable over <u>Strolle</u>. Accordingly, for at least these reasons, Applicant respectfully requests that the rejection of claim 1 be withdrawn and that claim 1 be allowed.

<u>Claims 2-4 and 6-10</u>

Claims 2-4 and 6-10 all depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1. Accordingly, for at least these reasons, Applicant respectfully requests that the rejections of claims 2-4 and 6-10 be withdrawn and that claims 2-4 and 6-10 be allowed.

<u>Claim 11</u>

Among other things, the method of claim 11 includes removing a trailing portion from each encoded data packet, wherein removing a trailing portion from each encoded packet includes removing parity bytes when an encoded packet includes normal data supplied from the normal data input, and includes removing digital information bytes when an encoded packet includes robust data from the robust data input.

Therefore, Applicant respectfully submits that claim 11 is patentable over <u>Strolle</u>. Accordingly, for at least these reasons, Applicant respectfully requests that the rejection of claim 11 be withdrawn and that claim 11 be allowed.

<u>Claims 12-14 and 16-18</u>

Claims 12-14 and 16-18 all depend from claim 11 and are deemed patentable for at least the reasons set forth above with respect to claim 11. Accordingly, for at least these reasons, Applicant respectfully requests that the rejections of claims 12-14 and 16-18 be withdrawn and that claims 12-14 and 16-18 be allowed.

Appl. No. 10/533,711   Page 10 of 11
Amendment and/or Response
Reply to Office action of 12 May 2009

Claim 19

Among other things, the system of claim 19 includes a processing unit that removes a trailing portion from each encoded data packet, wherein removing a trailing portion from each encoded packet includes removing parity bytes when an encoded packet includes normal data supplied from the normal data input, and includes removing digital information bytes when an encoded packet includes robust data from the robust data input.

Therefore, Applicant respectfully submits that claim 19 is patentable over Strolle. Accordingly, for at least these reasons, Applicant respectfully requests that the rejection of claim 19 be withdrawn and that claim 19 be allowed.

Claim 20

Claim 20 depends from claim 19 and is deemed patentable for at least the reasons set forth above with respect to claim 19. Accordingly, for at least these reasons, Applicant respectfully requests that the rejection of claim 20 be withdrawn and that claim 20 be allowed.

NEW CLAIMS 21 and 22

New claims 21 and 22 depend respectively from claims 1 and 11 and are deemed patentable for at least the reasons set forth above with respect to claims 1 and 11, respectively. Accordingly, for at least the reasons, and for the various novel features recited in claims 21 and 22, Applicant respectfully requests that claims 21 and 22 be allowed.
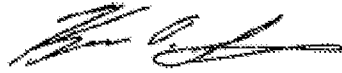

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-4, 6-14, and 16-22, and pass the application to issue.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843)

Appl. No. 10/533,711
Amendment and/or Response
Reply to Office action of 12 May 2009

Page 11 of 11

at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

By: _____
Kenneth D. Springer
Registration No. 39,843

VOLENTINE & WHITT
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (571) 283.0724
Facsimile No.:   (571) 283.0740